

1 Adam M. Apton  
2 aapton@zlk.com  
3 Levi & Korsinsky, LLP  
4 388 Market Street, Suite 1300  
5 San Francisco, CA 94111  
6 (415) 373-1671

7 Warren Metlitzky  
8 Conrad | Metlitzky | Kane LLP  
9 wmetlitzky@conmetkane.com  
10 Four Embarcadero Center, Suite 1400  
11 San Francisco, CA 94111  
12 (415) 343-7100

13 *Attorneys for Plaintiff*

14 Elliot Greenfield (*pro hac vice* forthcoming)  
15 egreenfield@debevoise.com  
16 Debevoise & Plimpton LLP  
17 919 Third Avenue  
18 New York, NY 10022  
19 (212) 909-6772

20 *Attorneys for Non-Party Egon Pierre-Durban*

21 **UNITED STATES DISTRICT COURT**  
22 **NORTHERN DISTRICT OF CALIFORNIA**  
23 **SAN FRANCISCO DIVISION**

24 IN RE TESLA, INC. SECURITIES  
25 LITIGATION

26 Case No. 3:18-cv-04865-EMC-KAW

27 **JOINT LETTER REGARDING NON-**  
28 **PARTY DEPOSITION SUBPOENA**

29 Hon. Kandis A. Westmore

30 Hearing Date: TBD

31 Plaintiff Glen Littleton and non-party Egon Pierre-Durban hereby submit this joint letter  
32 pursuant to your Honor's standing orders (attached as Exhibit A). Plaintiff served a deposition  
33 subpoena on Mr. Durban on May 26, 2021. Mr. Durban promptly objected to the subpoena as  
34 imposing an undue burden and the parties exchanged correspondence on June 4, July 2 and July 8  
35 and spoke by phone or videoconference on June 24, July 13 and July 23. Plaintiff served a revised  
36 subpoena on July 19, 2021 (attached as Exhibit B). Mr. Durban seeks an order quashing the  
37 subpoena.

38 Counsel for the parties complied with Section 9 of the Northern District's Guidelines for  
39 Professional Conduct at all times. Counsel have been unable to resolve their dispute and respectfully  
40 request Your Honor's assistance.

1  
2 Dated: July 30, 2021

Respectfully,

3 **Levi & Korsinsky, LLP**

4 /s/ Adam M. Apton

5 Adam M. Apton  
aapton@zlk.com  
6 388 Market Street, Suite 1300  
San Francisco, CA 94111  
7 (415) 373-1671

8 *Attorneys for Class Representative  
and Class Counsel*

9  
10 **Conrad | Metlitzky | Kane LLP**

11 /s/ Warren Metlitzky

12 Warren Metlitzky  
wmetlitzky@conmetkane.com  
13 Four Embarcadero Center, Suite 1400  
San Francisco, CA 94111  
14 (415) 343-7100

15 **Debevoise & Plimpton LLP**

16 Elliot Greenfield (*pro hac vice* forthcoming)  
egreenfield@debevoise.com  
17 919 Third Avenue  
New York, NY 10022  
18 (212) 909-6772

19 *Attorneys for Non-Party Egon Pierre-Durban*

20  
21 Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in filing this document.

22  
23 Dated: July 30, 2021

/s/ Adam M. Apton

24 Adam M. Apton